

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 30, 1999

DIVISION ONE

B107553 Baptiste (Not for Publication)
v.
Independent Living Center of Southern California, Inc., et al.

The order of dismissal is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

B122751 Munoz (Certified for Publication)
v.
City of Palmdale

We affirm the summary judgment and award the City its costs.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B124144 People (Not for Publication)
v.
Tillman

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

September 30, 1999-Continued

DIVISION ONE (Continued)

B128037 People (Not for Publication)
v.
Guerra

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

B126435 People (Not for Publication)
v.
Vanderwoude

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Masterson, J.

B124973 People (Not for Publication)
v.
Harris

The judgment is modified to strike one prior prison term enhancement, thereby reducing defendant's total sentence from 10 years to 9 years. As modified, the judgment is affirmed. The clerk of the superior court is directed to prepare a modified abstract of judgment and forward the same to the Department of Corrections.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

September 30, 1999-Continued

DIVISION ONE (Continued)

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The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

B132261 People (Not for Publication)
v.
Gonzalez

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

B130028 People (Not for Publication)
v.
John Joseph D.

The order is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

September 30, 1999-Continued

DIVISION ONE (Continued)

B123842 People (Not for Publication)
v.
Meza

The judgment is reversed. The matter is remanded for a new trial.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B133147 Nellie A. (Not for Publication)
v.
Superior Court, Los Angeles County
(Dept. of Children & Family Services, r.p.i.)

The petition for extraordinary writ is denied.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

B127431 Green (Not for Publication)
v.
S.C.L.A.
Enterprise Security Patrol et al., r.p.i.

THEREFORE, let a peremptory writ issue, commanding respondent superior court to vacate its order of September 15, 1998, dismissing this action and directing the preparation of a judgment, and to set this matter for trial, in Los Angeles Superior Court Case No. BC140271, entitled Green v. Enterprise Security Patrol, et al. Plaintiff is awarded costs.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B128091 Horwitz et al. (Not for Publication)
 v.
 Datametrics Corp.
 Wing

We reverse the judgment for plaintiffs on their breach of contract claims. We remand the case for the trial court to enter judgment for Datametrics on the complaint and Wing's cross-complaint. We affirm that portion of the judgment finding for plaintiffs on Datametrics' cross-complaint. We award Datametrics its costs on appeal.

Ortega, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

B123209 Greenfield et al. (Not for Publication)
 v.
 Hartenbaum et al.

The order of dismissal and order awarding sanctions pursuant to section 128.7 are affirmed.

Spencer, P.J.

We concur: Ortega, J.
 Vogel (Miriam A.), J.

B128447 People (Not for Publication)
 v.
 Sergio S.

The order is affirmed.

Spencer, P.J.

We concur: Ortega, J.
 Vogel (Miriam A.), J.

September 30, 1999-Continued

DIVISION ONE (Continued)

B122856 Rail-Cycle, L.P. (Not for Publication)

V.

City Council For The City of Commerce et al.

The judgment is reversed. The trial court is directed to enter judgment in favor of appellant and to issue a writ of mandate compelling respondents to set aside their approval of the motion revoking and confirming termination of the CUP. Appellant is to recover its costs on appeal.

Spencer, P.J.

I concur: Ortega, J.

I concur in the judgment: Vogel (Miriam A.), J.

B119342 People (Not for Publication)

V.

Yuriy K.

The order is affirmed.

Spencer, P.J.

We concur: Ortega, J.

Vogel (Miriam A.), J.

B121269 People (Not for Publication)

V.

Lansing

The judgment is modified to stay the sentence imposed on count II, uttering a terrorist threat, the stay to become permanent upon completion of the sentence imposed on count I, threatening a public official. As modified, the judgment is affirmed. The clerk of the superior court is directed to prepare a modified abstract of judgment and forward the same to the Department of Corrections.

Spencer, P.J.

We concur: Ortega, J.

Vogel (Miriam A.), J.

September 30, 1999-Continued

DIVISION ONE (Continued)

B125682 People (Not for Publication)
v.
Brashawn L.

The order is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

DIVISION TWO

B118741 People (Not for Publication)
v.
Burton et al.

The Court:

The judgment against Earl Glenn Snoddy on count 1 is modified to provide that Earl Glenn Snoddy is sentenced to a 10-year term under Penal Code section 12022.5, subdivision (a), 2 consecutive 5-year terms under Penal Code section 667, subdivision (a)(1), and a consecutive term of 26 years to life. As modified, the judgment against Earl Glenn Snoddy is affirmed. The superior court is directed to send a certified copy of an amended abstract of judgment reflecting this modification to the Department of Corrections.

Boren, P.J., Zebrowski, J., Mallano, J. (Assigned)

September 30, 1999-Continued

DIVISION TWO (Continued)

B131539 The People (Certified for Publication)

v.
Superior Court, Los Angeles County
(Perez, r.p.i.)

Let a writ of mandate issue directing the superior court to set aside its order granting real party's motion to dismiss, and to issue a new and different order denying the motion. The order to show cause is dismissed.

Boren, P.J.

We concur: Nott, J.
Zebrowski, J.

B119897 Nassgil Financial, Inc. (Not for Publication)

V.
Hughes Electronics et al.

The judgment is affirmed.

Mallano, J. (Assigned)

We concur: Nott, Acting P.J.
 Zebrowski, J.

B119924 Gutierrez (Not for Publication)

V.
Southern California Edison Company

The judgment is reversed, with direction to enter judgment for Edison. The parties shall bear their own costs.

Mallano, J. (Assigned)

We concur: Nott, Acting P.J.
 Zebrowski, J.

September 30, 1999-Continued

DIVISION TWO (Continued)

B119651 People (Not for Publication)
v.
Lao

The judgment is modified to reflect a parole revocation fine of \$1,000 pursuant to section 1202.45, which shall remain suspended unless and until appellant violates parole. In all other respects the judgment is affirmed. The clerk of the superior court is directed to prepare an amended abstract of judgment reflecting that separate \$1,000 fines were imposed pursuant to sections 1202.4 and 1202.45, and to forward the amended abstract to the appropriate correctional authorities.

Mallano, J. (Assigned)

We concur: Nott, Acting P.J.
 Zebrowski, J.

B126151 People (Not for Publication)
v.
Martinez

The judgment is modified to reflect a \$2,300 parole restitution fine pursuant to Penal Code section 1202.45, to be suspended unless appellant's parole is revoked. As so modified, the judgment is affirmed. The superior court shall prepare and transmit to the Department of Corrections an amended abstract of judgment reflecting the foregoing modification of the judgment.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Nott, J.

DIVISION TWO (Continued)

B113172 Farmers Insurance Exchange (Certified for Publication)
 v.
 Jacobs et al.

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
 Zebrowski, J.

B127268 People (Not for Publication)
 v.
 Para

The Court:

The judgment is modified to reflect an additional \$200 restitution fine pursuant to Penal Code section 1202.45, which fine shall be suspended unless appellant's parole is revoked, and the abstract of judgment shall be amended to so reflect. In all other respects, the judgment is affirmed.

Boren, P.J., Nott, J., Zebrowski, J.

DIVISION SIX

B122992 White (Not for Publication)
 v.
 Salzman

The judgment is affirmed. Each party shall bear his or her own costs.

Gilbert, Acting P.J.

We concur: Yegan, J.
 Coffee, J.

DIVISION SIX (Continued)

B116682 People v. Forhan (Not for Publication)

The judgment is modified to show a \$200 restitution fine (§ 1202.4, subd. (b)); a \$200 parole restitution fine (§ 1202.45); a \$50 criminal laboratory analysis fee (Health & Saf. Code, § 11372.5, subd. (a)); a state penalty assessment of \$50 (§ 1464, subd. (a)); and a county penalty assessment of \$35 (Gov. Code, § 76000, subd. (a)). The judgment as modified is affirmed. The superior court clerk is directed to amend the abstract of judgment to show the fines and to forward a certified copy of the amended abstract to the Department of Corrections.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

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The judgment is modified to show the imposition of a \$2,500 parole restitution fine under section 1202.45. The judgment as modified is affirmed. The superior court clerk is directed to amend the abstract of judgment to show the fine and to forward a certified copy of the amended abstract to the Department of Corrections.

Coffee, J.

We concur: Gilbert, Acting P.J.
Yegan, J.

September 30, 1999-Continued

DIVISION SIX (Continued)

B129729 People v. Silvera (Not for Publication)

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

B131162 People (Not for Publication)
v.
Lavizzo

The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.
Coffee, J.

B131121 People (Not for Publication)
v.
Miguel A.

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

September 30, 1999-Continued

DIVISION SIX (Continued)

B130690 People v. Prado (Not for Publication)

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

B129895 People (Not for Publication)
v.
Edgar M.

The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.
Coffee, J.

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The judgment is modified and affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

September 30, 1999-Continued

DIVISION SIX (Continued)

B128528 People (Not for Publication)
v.
Asad

The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.
Coffee, J.

B128292 Vizzi (Not for Publication)
v.
DMV

The judgment is affirmed. Respondents are awarded costs on appeal.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

B128442 People (Not for Publication)
v.
Aaron

The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.
Coffee, J.

September 30, 1999-Continued

DIVISION SIX (Continued)

B128389 People (Not for Publication)
v.
Ornelas

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.